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PTO/SB/21 (09-06)

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TRANSMITTAL
FORM

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Total Number of Pages in This Submission

	Application Number	10/539,842
	Filing Date	June 20, 2005
	First Named Inventor	MUNTAU-HEGER
	Art Unit	1614
	Examiner Name	VAKILI, Zohreh
10	Attorney Docket Number	3535.020

10

Attorney Docket Number

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Forms PTO/SB/08A & PTO/SB/08B; copies of foreign and non-patent literature documents; return postcard.
<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Akerman Senterfitt		
Signature			
Printed name	Nicholas J. Landau, Ph.D.		
Date	11/02/2006	Reg. No.	57,120

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of MUNTAU-HEGER, *et al.* Confirmation No. 5018

Application No. 10/539,842

Examiner: VAKILI, Zohreh

Filed: June 20, 2005

Group Art Unit: 1614

Attorney Docket No. 3535.020

For: USE OF TETRAHYDROBIOPTERINE DERIVATIVES IN THE TREATMENT
AND NUTRITION OF PATIENTS WITH AMINO ACID METABOLIC DISORDERS

INFORMATION DISCLOSURE STATEMENT

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Nicholas J. Landau, Reg. No. 57,120
Nicholas J. Landau, Ph.D.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, Applicants hereby notify the U.S. Patent Office of the documents which are listed on the attached Forms PTO/SB/08A and PTO/SB/08B.

Applicants submit that the present invention is patentable over the cited references and submission of the listed documents is not intended as an admission that such documents constitute prior art against the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove the listed documents as competent references against the present application.

The below references 2, 3, 9, 12, 13, 19, 22, 28, 31, and 33 were cited in the European Search Report issued in corresponding European application as "Category X," or of particular relevance. The references 2, 3, 6, 13, 19, 21, and 30 were cited in a European Office Action for the corresponding International Application. References 1 – 5, 7, 8, 10, 11, 13 – 15, 17, 18, 20, 23 – 17, 29, and 31 – 33 were cited in a Protest of the U.S. National Phase of International Application no. PCT/EP2003/014262 pursuant to 37 C.F.R. §1.291. Copies of U.S. references are not enclosed. A copy of each foreign language reference is enclosed, along with a English translation of the abstract, where available. A copy of the international search report and European Office Action (in German, as no English translation is available) are also enclosed.

Applicants respectfully request that the listed documents be considered by the Examiner and made of record in the present application and that an initialed copy of forms PTO/SB/08A and PTO/SB/08B be returned in accordance with MPEP §609.

1. U.S. Patent No. 4,774,244
2. U.S. Patent No. 4,778,794
3. U.S. Publication No. 2002/0052374 A1
4. U.S. Patent No. 5,763,392
5. U.S. Patent No. 6,428,990 B1
6. WO 1995/13803
7. BATES, et al., "Children's Medications: A Parent's Guide", page 6, Harvery Whitney Books, Cincinnati, Ohio, (1996).
8. BLAU, et al., "34th EMG Meeting, Zurich CH, held May 31-June 2, 2003", proceedings published October 2002.
9. BERNEGGER, et al., "High frequency of tetrahydrobiopterin-responsiveness among hyperphenylalaninemias...", Molecular Genetics and Metabolism, 77:304-313 (2002).

10. CURTIUS, et al., *The Lancet*, 1:657-658 (March 19, 1983).
11. CURTIUS, et al., "Therapeutic Efficacy of Tetrahydrobiopterin in Parkinson's Disease", *Advances in Neurology*, 40:463-466 (1984).
12. CURTIUS, et al., "Atypical Phenylketonuria due to Tetrahydrobiopterin...", Elsevier/North-Holland Biomedical Press, 93:251-252 (1979).
13. DISSING, et al., "Tetrahydrobiopterin and Parkinson's Disease", *Acta Neurol. Scand.*, 79:493-499 (1989).
14. ELLIS, JOHN R., "The general concept of molecular chaperones", *Phil. Trans. R. Soc. Lond. B*, 339:257-261 (1993).
15. ERLANDSEN, et al., "A structural hypothesis for BH4 responsiveness in patients...", *J. Inherit. Metab. Dis.* 24:213-230 (2001).
16. FURUKAWA, et al., "Striatal biopterin and tyrosine hydroxylase protein reduction dopa-responsive dystonia", *Neurology*, 53:1032-1041 (1999).
17. HENNERMANN, et al., "Partial and Total Tetrahydrobiopterin-responsiveness in classical and mild phenylketonuria (PKU)", *J. Inherit. Metab. Dis., Suppl.* 1:1-184 (2002).
18. ISAACS, JOHN, "Helping the Medicine Go Down", *American Druggist*, 37-41 (1999).
19. KITAGAWA, et al., "A Nation-wide Study of Tetrahydrobiopterin- responsive Phenylalanine...", *J. Inherit. Metab. Dis. Suppl.* 1: 24 (2001).
20. KURE, et al., "Tetrahydrobiopterin-responsive phenylalanine hydroxylase deficiency", *The Journal of Pediatrics*, 135:375-8 (1999).
21. MILLER, et al., "Role of Hydroxylase Cofactor in Regulating Dopamine Synthesis: Relevance to Neurological Disorders", 471-474 (1986).
22. MUNTAU, et al., "Tetrahydrobiopterin as an Alternative Treatment for Mild Phenylketonuria", *N Engl J Med*, 347-26:2122-32 (2002).

23. NAGATSU, TOSHIHARU, "Tyrosine hydroxylase:human isoforms, structure and regulation in physiology and pathology", Essays in Biochemistry, 30:15-35 (1995).
24. "PhenylAde", Product Guide, Applied Nutrition Corp., (November 2002).
25. "PhenylAde", Product Guide, Applied Nutrition Corp., (May 2002).
26. SCHAUB, et al., "Tetrahydrobiopterin therapy of atypical phenylketonuria due to defective dihydrobiopterin biosynthesis", Archives of Disease in Childhood, 53:674-683 (1978).
27. SHINOZAKI, et al., "Oral Administration of Tetrahydrobiopterin Prevents Endothelial Dysfunction..." Circulation Research, 87:655-73 (2000).
28. STEINFELD, et al., "A hypothesis on the biochemical mechanism of BH4-responsiveness in phenylalanine hydroxylase deficiency", Amino Acids, 25:63-68 (2003).
29. STEINFELD, et al., "Tetrahydrobiopterin monotherapy for phenylketonuria patients with common mild mutations", Eur J Pediatr, 161:403-5 (2002).
30. TANAKA, et al., "On-off phenomenon in a child with Tetrahydrobiopterin deficiency due to 6-pyruvoyl tetrahydropterin synthase...", Eur J Pediatr, 148:450-52 (1989).
31. TREFZ, et al., "Successful treatment of phenylketonuria with tetrahydrobiopterin", Eur J. Pediatr, 160:315 (2001).
32. WALTER, et al., "Inhalation of the Nitric Oxide Synthase Cofactor Tetrahydrobiopterin in Health Volunteers", Am J Respir Crit Care Med, 156: 2008-10 (1997).
33. WEGLAGE, et al., "Tetrahydrobiopterin responsiveness in a large series of phenylketonuria patients", J. Inherit. Metab. Dis. 25:321-322 (2002).

Certification

This Statement is being filed prior to the issuance of the first Office Action for the present application, and this paper is thus submitted in accordance with 37 C.F.R. 1.97(b).

In view of the above certification, a fee is not required for consideration of this document. Nevertheless, should a fee be deemed to be due by the Commissioner, such fee should be charged to Deposit Account No. 50-0951.

Respectfully submitted,

Dated: 11/02/2006

Docket No. 3535.020

Nicholas J. Landau
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West Palm Beach, FL 33402-3188
Tel: 561-653-5000



Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	10/539,842
Filing Date	June 20, 2005
First Named Inventor	MUNTAU-HEGER
Art Unit	1614
Examiner Name	VAKILI, Zohreh
Attorney, Agent or Law Firm Name	3535, 020

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature /Zohreh Vakili/ Date Considered 04/06/2009

⁶EXAMINER: Initial reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ⁷Applicant's unique citation designation number (optional). See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁸Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁹For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ¹⁰Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ¹¹Applicant is to place a check mark here if English language Translation is attached.

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Application Number	10/539,842
Filing Date	June 20, 2005
First Named Inventor	MUNTAU-HEGER
Art Unit	1614
Examiner Name	VAKILI, Zohreh
Attorney Docket Number	3535.020

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/Z.V.J		BATES, et al., "Children's Medications: A Parent's Guide", page 6, Harvey Whitney Books, Cincinnati, Ohio, (1996).	
/Z.V.J		BLAU, et al., "34th EMG Meeting, Zurich CH, held May 31-June 2, 2003", proceedings published October 2002.	
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Examiner Signature	/Zohreh Vakili/	Date Considered	04/06/2009
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Application Number		10/539,842
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Attorney Docket Number		3535.020

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
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Examiner Signature	/Zohreh Vakili/	Date Considered	04/06/2009
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/Z.V./		WEGLAGE, et al., "Tetrahydrobiopterin responsiveness in a large series of phenylketonuria patients", J. Inherit. Metab. Dis. 25:321-322 (2002).	

Examiner Signature	/Zohreh Vakili/	Date Considered	04/06/2009
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